

September 27, 2007

MEMORANDUM TO: Martin J. Virgilio
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Steven A. Reynolds, Acting Deputy Director
Office of Federal and State Materials
and Environmental Management Programs

Mark A. Satorius, Deputy Regional Administrator
Region III

FROM: Aaron T. McCraw, IMPEP Project Manager */RA/*
State Agreements and Industrial Safety Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MINUTES: SEPTEMBER 20, 2007, SPECIAL MANAGEMENT
REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the Management Review Board meeting held on
September 20, 2007. If you have comments or questions, please contact me at 301-415-1277.

Enclosure: Minutes of the Management
Review Board Meeting

cc: Roland Fletcher, MD, OAS Liaison
Dewey Crawford, KY
John Parker, NM
Karen Beckley, NV

Management Review Board Members

September 27, 2007

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Matthew McKinley, KY

Walter Medina, NM

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF SEPTEMBER 20, 2007

These minutes are presented in the same general order as the items were discussed in the meeting. The attendees were as follows:

Martin Virgilio, MRB Chair, DEDMRT
Kim Lukes, FSME
Dennis Sollenberger, FSME
Diana Diaz-Toro, OEDO

Steven Reynolds, MRB Member, FSME
Aaron McCraw, FSME
Kathleen Schneider, FSME

By teleconference:

Mark Satorius, MRB Member, Region III
James Kottan, Region I
Randy Erickson, Region IV
Matthew McKinley, KY
Walter Medina, NM
Wayne Yates, NV

Roland Fletcher, OAS Liaison, MD
Linda McLean, Region IV
Dewey Crawford, KY
John Parker, NM
Karen Beckley, NV
Ed Sweeten, NV

1. **Convention.** Ms. Kim Lukes convened the meeting at 2:05 p.m. She noted that this Management Review Board (MRB) meeting was open to the public; however, no members of the public participated in this meeting. She then transferred the lead to Mr. Martin Virgilio, Chair of the MRB. Introductions of the attendees were conducted.

2. **Periodic Meetings Discussion.**

Periodic Meeting with New Mexico. Ms. Linda McLean led the discussion of the results of the periodic meeting with the New Mexico Radiation Control Bureau (ADAMS Accession Number ML072070474). The meeting was held on June 28, 2007.

Ms. McLean summarized the status of each of the recommendations made to the State during the 2005 Integrated Materials Performance Evaluation Program (IMPEP) review, as well as the overall status of the program. Ms. McLean noted that the program has an experienced and motivated staff and adequate funding. She noted that there was little turnover during the review period; however, because many vacancies are filled from within the program, there is almost always one vacancy in the materials section.

Ms. McLean stated that no inspection or licensing backlogs were observed during the meeting and that there were two overdue regulations, one of which was submitted for U.S. Nuclear Regulatory Commission (NRC) review as a license condition. Mr. John Parker provided the status of the State's progress in addressing the regulations. He indicated that adoption should take place in early winter. Mr. Virgilio inquired about the State's feedback regarding the NRC's program in the periodic meeting summary. The State asked that the annual training course list be issued earlier in the year for the State's budget planning purposes. Dr. Dennis Sollenberger indicated that the annual training schedule is tied to the NRC's fiscal year, which begins October 1. Ms. McLean stated that she has received similar feedback from other States whose fiscal years begin on July 1. Mr. Roland Fletcher conveyed that his State faces a similar issue; however, because the NRC's training schedule is fairly consistent from year to year, they are able to make assumption's for their budget planning. The MRB concluded that

the next IMPEP review of the New Mexico Radiation Control Bureau should take place in Fiscal Year 2009, as currently scheduled.

Periodic Meeting with Nevada. Mr. Randy Erickson led the discussion of the results of the periodic meeting with the Nevada Radiological Health Section (ADAMS Accession Number ML072150574). The meeting was held on July 10, 2007. Mr. Erickson discussed the status of each of the recommendations made to the State during the 2005 IMPEP review, as well as the overall status of the program. Mr. Erickson stated that the program has an excellent "Grow Your Own" training program, adequate funding, and strong legislative support. He indicated that the State continues to offer low salaries with little chance of restructuring or increasing salaries, which makes the State's "Grow Your Own" training program all the more critical. Mr. Erickson conveyed to the MRB the State's efforts in reaching out to emergency response organizations and local law enforcement. Mr. Steven Reynolds inquired about the discussion on the Attorney General's support in the periodic meeting summary. As written, the text appeared to indicate that the State did not previously have the authority to confiscate material or revoke licenses. Ms. Karen Beckley clarified that the State has always had those authorities; however, with the support of the Attorney General, it has become easier to use those authorities. Mr. Reynolds also inquired about the State's use of security paper for radioactive material licenses. Ms. Beckley indicated that the paper has a distinct watermark and is embossed, making it apparent if the document is photocopied. Mr. Reynolds stated that the NRC might like to converse further with Nevada on its use of security paper. Mr. Mark Satorius inquired about the staffing level in the program given the legislature's authorization of additional positions. Ms. Beckley indicated there are currently 5.5 full-time equivalents (FTE) in the materials program, 2.5 FTE of which are fully qualified. Two additional positions have been authorized; however, they are not available to be filled yet. The expected date to be greenlighted to fill those positions is October 1. The MRB concluded that the next IMPEP review of the Nevada Radiological Health Section should take place in Fiscal Year 2009, as currently scheduled.

Periodic Meeting with Kentucky. Ms. Kathleen Schneider led the discussion of the results of the periodic meeting with the Kentucky Radiation Control Program (ADAMS Accession Number ML072490049). The meeting was held on July 31, 2007. Ms. Schneider discussed the status of each of the recommendations made to the State during the 2004 IMPEP review, as well as the overall status of the program. Ms. Schneider provided some background on the Kentucky program and summarized by indicating that the State continues to show improvement. She conveyed to the MRB that the program's former weaknesses, staffing and the licensee database, are now the program's strengths. She stated that there has been no turnover since the July 2006 periodic meeting. Ms. Schneider indicated that the State does have a number of regulations that are either overdue or only the proposed regulations have been reviewed by the NRC. Mr. Virgilio asked the State if it is using license conditions or other legally binding requirements in lieu of the overdue regulations. Mr. Matthew McKinley stated that the State uses license conditions, but has not addressed any of the overdue regulations in this manner. He indicated that a number of the regulations should be submitted for NRC review in the near future. Mr. Dewey Crawford brought Kentucky's upcoming gubernatorial election to the attention of the MRB. He stated that the outcome of the election could affect the projected time line for adoption of the

regulations. Mr. Fletcher urged the MRB to take to heart the effect of elections on State government activities. The MRB concluded that the next IMPEP review of the Kentucky Radiation Control Program should take place in Fiscal Year 2008, as currently scheduled.

Comments. Ms. Lukes reiterated the decisions made by the MRB during this meeting.

3. **Precedents/Lessons Learned.** No precedents that will be applied to the IMPEP process in the future were established by the MRB during this review.
4. **Adjournment.** The meeting was adjourned at approximately 2:57 p.m.